Sectt. II-27—58,004—27-10-47.

Passed
[illegible]

Home (1952) Department.

(9)

Ms SERIES.

G.O. NO. 1285

Dated 24.3.52

[Despatch Abstract.]

Public Services - Prosecuting staff - South Kanara dist. - One temporary post of Asst P.P. Grade II - Permanent retention - Sanctioned

Sunita Kanara

GOVERNMENT OF MADRAS
Home Department

Memorandum No. 101758 F/49-1, dated 3rd November 1949

Public Services - Prosecuting staff - Assistant Public Prosecutors and Assistant Crown Prosecutors - Temporary posts - Permanent retention of.

I (F)

Ref: G.O.No. 780, Finance, dated 19th July ,1949

II

G.O.Ms.No. 3387, Home, dated 23rd August 1949 (S)

(F) The attention of District Magistrates is invited to para 5 of G.O.No.780, Finance, dated 19th July 1949 and they are requested to submit immediately detailed proposals regarding the retention permanently of any of the temporary posts of Assistant Public Prosecutor in their district which satisfy the criteria laid down in para 3 of that Order. Annual Statistics should be finished in the form annexed from the year in which the posts were sanctioned and also in respect of 1949 upto 30th September 1949 quoting the G.Os sanctioning the employment and retention of those posts to date.

ANNEXURE

Year.

1.(a) Total No. of cases charged by the Police in the district;
(b) Total number of cases prosecuted by the Police;
(c) Total number of cases prosecuted by each member of the prosecuting staff in the district; and

p.t.o

2/

2. total number of cases pending in the magistrates' courts as on 30th September 1949 for which the services of Assistant Public Prosecutors are required.

S. A. Iyengar,
Deputy Secretary to Government

To all District Magistrates except District Magistrate, Tirunelveli.

Forwarded/By order

K.L. 4/11

Superintendent

Ref.C3.6073/49.

S.Kanara Dt.Magistrate's Office,
Mangalore dated 5.1.50.

3/
3476
9.1.50

From

JANAB SYED AHMED, B.Sc(Hons)
Dt.Magistrate of South Kanara.

To

The Secretary to Government,
Home Department,
M A D R A S.

Sir,

PUBLIC SERVICES: Prosecuting staff--Assistant Public Prosecutors-temporary posts--Permanent retention of.

Ref: Government Memo No.101758-F/49-1 Home Department dated 3.11.49.

ASSISTANT SECRETARY
9-JAN 1950
HOME DEPARTMENT

There are at present six Assistant Public Prosecutors in this district, viz one of Grade I and five of Grade II. Out of the 5 Assistant Public Prosecutors of Grade II, three Assistant Public Prosecutors occupy temporary posts as follows:

2 temporary posts sanctioned in G.O.No.812 Home Department dated 13.3.45 and their retention last sanctioned in G.O.No.5171 Home Department dated 27.12.49.

1 temporary post sanctioned in G.O.No.4713 Home Department dated 25.11.1949.

2/-. The two temporary Assistant Public Prosecutors II whose posts were sanctioned in G.O.No.812 Home Department dated 13.3.45 are stationed at Mangalore and Kasaragod. They attend to the following courts.

ASSISTANT PUBLIC PROSECUTOR II MANGALORE:
1. additional I class Magistrate's court (I Class cases of Mulky, Bantwal & Mangalore East Police Station.
2. Honorary Special I Class Magistrate's court, Mangalore.
3. Stationary Sub Magis rate court, Mangalore.
4. Stationary Sub Magte's court, Karkal.

ASSISTANT PUBLIC PROSECUTOR II KASARAGOD.
1. Additional I class Magistrate's court, S.Kanara (All I class cases of Kasaragod Police Circle consisting of 5 stations)
2. Stationary Sub Magte's court, Kasaragod.
3. Sub Magistrate's court, Hosdrug.

The temporary additional Assistant Public Prosecutor II sanctioned for a period of 6 months in G.O.No.4713 Home Department dated 25.11.49 joined duty on 17.12.49, and he is attending to prosecution of cases under the Prohibition Act.

3/ The Court of the Stationary Sub Magistrate, Mangalore is the heaviest among the courts of the II class Magistrates in the district and requires the attendance of a Prosecutor for at least 3 days in a week, so that Assistant Public Prosecutor II Mangalore has enough work to keep him fully engaged before the various courts allotted to him. In Kasaragod Division also the file is very heavy and almost every case charged by the Police is keenly contested. The services of an Assistant Public Prosecutor II exclusively for this division are quite essential and indispensable.

3. The two temporary posts of Assistant Public Prosecutors II Mangalore and Kasaragod were first sanctioned in G.O.No.612 Home Department dated 13.3.1945 and their further retention to date was sanctioned in G.Os noted below:--

NUMBER AND DATE	PERIOD.
G.O.Ms.No.1541 Home Department dated 18.5.46	Up to 31.12.1946
G.O.Ms.No.3769 Home Department dated 29.9.46.	Up to 31.12.1947.
G.O.Ms.No.4391 Home Department dated 29.11.47.	Up to 31.12.48.
G.O.Ms.No.4413 Home Department dated 30.11.48.	Up to 31.12.1949.
G.O.Ms.No.5171 Home Department dated 27.12.49.	Up to 31.12.1950.

It will be observed that these posts were sanctioned nearly 5 years ago and are likely to be retained for an indefinite period. I therefore recommend that the above 2 temporary posts of Assistant Public Prosecutors Grade II may be retained permanently.

4. Annual statistics of cases charged by the police etc, are furnished in the annexure to this letter.

Yours faithfully,

For Dt.Magistrate.

IC/6.1.50.

Annexure

Particulars	Year 1945	1946	1947	1948	1949 upto 30-9-49	Average for 1947
1.(a) Total no. of cases charged by the Police in the District -	974	796	753	793	566	755
(b) Total no. of cases prosecuted by the Police	137	196	157	141	282	376
(b) Total no. of cases prosecuted by each member of the prosecuting staff in the District						
1. A.P.P. Grade I Mangalore	195	144	129	129	132	
2. A.P.P. Grade II Mangalore (Temporary)	199	145	122	119	* 108	
3. A.P.P. Grade II Kasaragod (Temporary)	131	110	82	155	@ 99	
4. A.P.P. Grade II Udipi	246	192	181	130	111	
5. A.P.P. Grade II Puttur	231	198	145	142	106	
	932	749	659	675	545	727

* This A.P.P. II was on leave for about 4 months
@ This A.P.P. II Kasaragod on leave for about 6 months

2. Total No. of cases pending in the Magistrate's Courts as on 30th September 1949 for which the services of Assistant Public Prosecutors are required) 178

S.K.Dt. Magistrate's Office,
Mangalore, dated 5-1-50
ks/5-1

For District Magistrate.

5/1

$\frac{566 \times 4}{3} = \frac{2264}{3} = 754\frac{2}{3}$ $\frac{282 \times 4}{3} = \frac{1128}{3} = 376$

$\frac{545 \times 4}{3} = \frac{2180}{3} = 726\frac{2}{3}$

C.NO. 3476 Courts III/50

Home(Courts III) Dept.

G.O. Ms. No. 1285 dated 24.3.50

PUBLIC SERVICES - Prosecuting staff - South Kanara district - One temporary post of Asst. P.P. Gr. II - Permanent retention - Sanctioned.

READ:

G.O. Ms. No. 812, Home, dated 13--3--1945
G.O. Ms. No. 1541, Home, dated 18-5-46
G.O. Ms. No. 3768, ,, dated 29-11-46
,, 4391, ,, dated 29-11-47
,, 4413, ,, dated 30-11-48
,, 5171, ,, dated 27-12-49

Read also:

From the D.M., South Kanara Ref. C3.No.8873/49, d. 5-1-50-

--

ORDER :-

With reference to the general principles regarding permanent retention of temporary posts laid down in G.O.No.780, Finance, dated 19-7-49, the Govt. have decided that only one of the two temporary posts of Asst. A.P.P.Gr.II sanctioned for the S. Kanara Dt.

p.t.o

referred to in the D.M's letter cited should be made permanent. They accordingly sanction the permanent retention in the South Kanara district with effect from the Ist October 1949 of the temporary post of Asst. P.P. Gr.II which was originally sanctioned in G.O.Ms.No.812, Home, dated 13-3-1945 and which has been in existence from 7-6-1945 onwards.

To the D.M., S. Kanara
" I. G. of Police, Madras
" Registrar, High Court, Madras
" A. G. thro' Fin. Dept.

Two s/cs.

(CM 3476/50)

HOME DEPARTMENT

Public Services - Prosecuting staff - South Kanara district - Two temporary posts of A.P.P. Gr.II - Permanent retention of.

(Issued as Memo.No. 101758 F/49-1, dated 3-11-49)
From the D.M.South Kanara Ref.C3. No. 8873/49, d. 5-1-50.

The file dealt with the proposal of the D.M.South Kanara that the two temporary posts of A.P.P.Gr.II in his district may be made permanent with reference to the orders in G.O.No.780,Finance, d. 19-7-1949.The proposal is examined below:-

In G.O.No. 780, Finance, dated 19-7-1949, the Govt. have directed that all temporary posts in the offices of Heads of Departments and in subordinate offices which are over five years old and 50 percent of those bwtween three and five years may be made permanent immediately, provided it is established that they are permanently required for dealing with the normal work of the Goverment. Where in any office, there is only one temporary post in a particular category between three and five years old, that post may be made parmanent.

With reference to para 5 of the G.O.referred to above, it may be mentioned that the question of retrenchment in the staff of A.P.Ps and their establishment was examined by the Govt. but no retrenchment was found possible. vide G.O.Ms.No. 3387,Home, dated 23-8-49.

2 One post of A.P.P Grade I and two posts of A.P.P.Gr.II are permanent and three posts of A.P.P.Gr.II are temporary in the South Kanara District. The following statement shows the date of creation and date of expiry of the existing sanction of the temporary posts:-

No.of temporary posts: of A.P.P.Gr.II	Date of creation	Date of expiry of the existing sanction
2	(i) 7-6-1945 (ii) 8-6-1945	31-12-1950 -do-
1	17-12-49	16-2-50

It will be seen from the above statement that two temporary posts of A.P.P.Gr.II have existed for nearly five years. The statement on p. 7 c.f. shows that the Police have charged 793 cases in 1948 against 753 in 1947. The A.P.Ps have prosecuted 675 cases in 1948 against 659 in 1947. The average for 1949 works out to 727. Further, there were 178 cases pending in the magistrates' Courts as on 30-9-49, requiring the services of A.P.Ps. The number of courts allotted to each of the two A.P.Ps. Gr.II

p.†

EI

holding the two temporary posts in question is on p.3 c.f.

For the reasons stated in para ¶ 3 on pp. 3-5 c.f., the D.M. South Kanara recommends that the above 2 temporary posts of A.P.P.Gr.II may be retained permanently. As seen from p. 1 ante, the period of 5 years in respect of the two posts will be over by 6th and 7th June 1950 respectively. With reference to the Criteria at B overleaf 50% of posts between 3 and 5 years, i.e., only one post ~~whose sanction for retention expires~~ which completes five years on 6-6-50 will have to be made permanent. As the Govt. have sanctioned ~~their~~ retention of the two posts till 31-12-50 and in the circumstances stated by the D.M., both the posts may be made permanent, as suggested by the D.M.

The permanent retention may take effect from 1st October 1949 (the date with effect from which the temporary posts in this Dept. were made permanent). It does not seem necessary to consult the High court in the matter, as the proposal has been made with reference to the G.O.at (F).

3. Finance may see for remarks before circulation.

Strictly speaking only one temp post ~~is~~ can be made permanent. Tho the DM. recommends that both the temp: posts created ~~in 1945~~ may be ~~upgraded~~ permanent this dept need only ~~suggest~~ that only one may be made permt. from 1.10.49

1/3/50

2.3.50

Fin

Finance (E.I) Home UO 101758 comb III/49-V

3.3.50.

Please see the notes above Home recommend the retention of one of the two temporary posts

ASSISTANT SECRETARY TO GOVERNMENT FINANCE DEPARTMENT 3 MAR 1950 15030

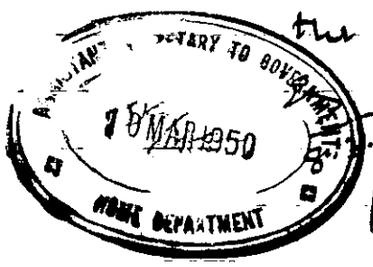
(3476-cts III/50)

of A.P.Ps. first sanctioned in 1945...

It may be seen from the D.M's report dated 16.2.1946 on p.3 of G.O. at (K) that the temporary staff was asked for to avoid delays mainly due to "shortage of prosecuting officers in the midst of large increase in the number of prosecutions for contravention of the several control orders issued under the Defence of India Rules". This work being of a temporary character can not enable the Prosecuting staff to be retained on a permanent basis. This Deptt may therefore advise that the proposal be dropped

2/15/7 on p 3 of (K)

3225/49/03



I think Home Depts proposal may be accepted

150 30 Ci
9.3.50

9/3/50

Hom

HOME(COURTS III)DEPT.

The file deals with the proposal of the D.M.,South Kanara that the two temporary posts of A.P.P. Grade II in his district which were sanctioned in 1945 may be made permanent with reference to G.O.Ms.No.780, Finance, dated 19-7-49. The proposal has been examined on pp. 1-2- ante. This Dept. suggest that only one temporary post may be made permanent with effect from 1-10-49. Finance agree with this Dept. The file may be circulated to H;M.(E.&L.) for orders on A above.

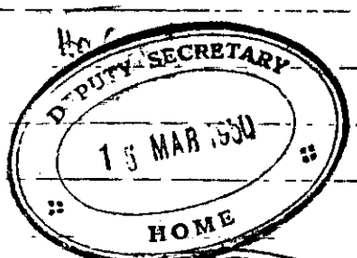
p 3-5 ✓
dep (K) 1478-1
(F)

A

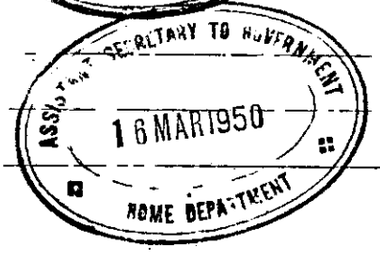
13/3/50

A above may be approved

14.3.50



HM (ccr)



P.T.O.

Please see the orders in circulation on p.b. ante. The draft order subs. below is for approval

18.3.50 22.3.50 23/3/50

(Govt No 1285 Home d 24.3.50)